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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,185	06/12/2001	Stephen Gold	1509-187	1425

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EXAMINER
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HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/878,185	<b>Applicant(s)</b> GOLD ET AL.	
	<b>Examiner</b> Jinsong Hu	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14, 16 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 15, 17 and 19-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-5 and 7-20 are presented for examination; claims 1, 2 and 7 have been amended; claims 19 and 20 are newly added claims.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-9, 15, 17 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Davies et al. (US 6,839,767).

4. As per claim 1, Davis teaches the invention as claimed including a method of managing a plurality of user accounts assigned to a computer entity, said method comprising the steps of:

determining an overall predicted future utilization of functionality of said computer entity which will be required to support said plurality of user accounts, said predicted

Art Unit: 2154

future utilization differing from utilization at the present time [104, Fig. 6; col. 11, line 59 – col. 12, line 6; i.e., predicting the future utilization for bandwidth];

comparing said predicted utilization of functionality with a currently available amount of unused functionality of said computer entity [104, 105, 108, Fig. 6; col. 11, lines 62-67]; and

allowing and disallowing addition of a new user account onto said computer entity depending upon a result of said comparison [steps 64 and 66, Fig. 6; col. 11, line 67 – col. 12, line 6].

5. As per claims 2 and 19-20, Davis teaches the invention as claimed including a method of managing a plurality of user accounts assigned to a computer entity, said method comprising the steps of:

determining an overall predicted future utilization of functionality of said computer entity which will be required to support said plurality of user accounts [104, Fig. 6; col. 11, line 59 – col. 12, line 6; i.e., predicting the future utilization for bandwidth];

comparing said predicted utilization of functionality with a currently available amount of unused functionality of said computer entity [104, 105, 108, Fig. 6; col. 11, lines 33-58 & 62-67]; and

allowing and disallowing addition of a new user account onto said computer entity depending upon a result of said comparison [steps 64 and 66, Fig. 6; col. 10, lines 7-27; col. 11, line 67 – col. 12, line 6];

for each user account, generating a predicted usage of functionality provided by said computer entity to for each user account over a pre-determined look ahead period by applying a trend prediction algorithm to a historical data describing an actual historical utilization of said functionality by said user account [Fig. 5; col. 11, lines 4-21].

6. As per claims 3-4, Davis teaches the step of generating a predicted usage of functionality provided by said computer entity to for each user account over a pre-determined look ahead period by applying a trend prediction algorithm to a historical data describing an actual historical utilization of said functionality by said user account [Fig. 5; col. 11, lines 4-21].

7. As per claims 7-9, since they are apparatus claims of claims 1-4, they are rejected for the same basis as claims 1-4 above.

8. As per claims 15 and 17, since they are system and computer program claims of claim 1, they are rejected for the same basis as claim 1 above.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2154

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 6,839,767) as applied to claims 1-9, 15, 17 and 19-20 above, in view of Datta et al. (US 6,209,033).

11. As per claims 10 and 11, Davis teaches the invention substantially as claimed in claim 1. Davis does not specifically teach the steps of generating a warning alert message when a predicted utilization of the data storage approaches the available storage capacity and modifying the parameter of the comparison by the administrator. However, Datta on the other hand teaches the steps of generating a warning alert message when a predicted utilization of the data storage approaches the available storage capacity and modifying the parameter of the comparison by the administrator [col. 5, lines 62-67; col. 12, lines 40-51]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Davis and Datta because doing so would increase the accuracy of the prediction by calculating the results based on various parameters. One of ordinary skill in the art would have been motivated to modify Davis's system with Datta's warning and modifying step to increase the reliability of the system.

***Allowable Subject Matter***

12. Claims 12-14, 16 and 18 are allowed.

***Conclusion***

13. Applicant's arguments filed on 9/14/05 for claims 1-5 and 7-20 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that (1) Davis does not disclose a user account; (2) Davis does not disclose determining an overall predicted future utilization of functionality of said computer entity which will be required to support said plurality of user accounts; (3) Davis does not disclose comparing the predicted utilization of functionality with a currently available amount of unused functionality of said computer entity and allowing and disallowing addition of a new user account onto said computer entity depending upon a result of said comparison; (4) 103(a) rejection for claims 10 and 11 is improper.

14. Examiner respectfully traverses applicant's remarks:

A. As to point (1), applicant fails to consider the teaching of the Davis' reference for accessing a session by a user [col. 10, lines 7-27], i.e., a user has to access information or session only when he/she login his/her account. Thus, Davis does disclose a user account.

B. As to point (2), applicant fails to consider the teaching of the Davis' reference for predicting the future utilization for bandwidth for supporting a plurality of user accounts [104, Fig. 6; col. 11, line 59 – col. 12, line 6]. Thus, Davis does disclose determining an overall predicted future utilization of functionality of said computer entity which will be required to support said plurality of user accounts

C. As to point (3), applicant fails to consider the teaching of the Davis' reference for comparing the local threshold and maximum configured bandwidth [col. 11, lines 33-58, i.e., predicting utilization of functionality with a currently available amount of unused functionality of the computer entity], and determining to grant or reject new session request [col. 10, lines 7-27, i.e., allowing and disallowing addition of a new user account onto said computer entity depending upon a result of said comparison]. Additionally, Davis discloses taking a relevant reaction based on the result of comparison [col. 11, lines 59-67]. Furthermore, a reaction is not a prediction, but it is based on a prediction. Thus, Davis does disclose the limitation in claim 1.

D. As to point (4), applicant fails to consider the teaching of the Datta's reference for generating a warning alert message is obvious to an ordinary skill in the art, based on the teaching of the Davis reference, the combination system disclose the same function as the limitation set forth in claims 10 and 11. Thus, the 103(a) rejection for claims 10 and 11 is proper.

Accordingly, Davis and Datta are still relevant prior art references.

15. THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

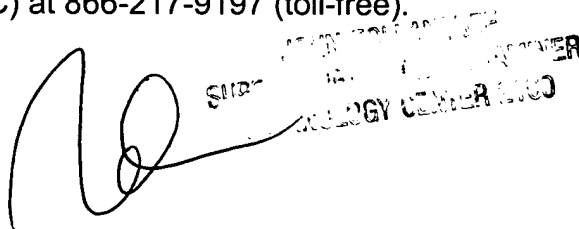
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

November 23, 2005

A handwritten signature in black ink, appearing to be 'Jinsong Hu', is written over a circular official stamp. The stamp contains the text 'SUPERVISOR' at the top, 'J. A. FOLLANSBEE' in the center, and 'ELECTRONIC BUSINESS CENTER' at the bottom.